

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.) Criminal Action No.
) 05-00179-01-CR-W-FJG
EDDIE W. SMITH,)
)
Defendant.)

REPORT AND RECOMMENDATION

On May 12, 2005, this court ordered on its own motion that defendant Eddie Smith undergo a competency evaluation. Defendant was examined by Jason V. Dana, Psy. D., forensic psychologist at the Metropolitan Correctional Center in Chicago, Illinois. Dr. Dana submitted a report on his evaluation of defendant's mental competency, finding defendant presently competent to continue with the judicial proceedings in this case.

On July 21, 2005, I held a competency hearing. Defendant was present, represented by appointed counsel John O'Connor. The government was represented by Assistant United States Attorney Rudolph Rhodes. The parties stipulated to the contents and findings of the report as the only evidence of whether the defendant is competent to continue with the proceedings to revoke supervised release and to assist in his defense. The parties waived the 10-day objection period to this report and recommendation.

Based upon the uncontested evidence stipulated to by the parties in this case, I find that the defendant is competent to continue with the proceedings and to assist in her defense. Therefore, it is

RECOMMENDED that the court, after making an independent review of the record and

applicable law, enter an order finding defendant competent to continue with the proceedings and to assist in his defense.

/s/Robert E. Larsen

ROBERT E. LARSEN
United States Magistrate Judge

Kansas City, Missouri
July 22, 2005